

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HERMÈS INTERNATIONAL and  
HERMÈS OF PARIS, INC.,

Plaintiffs,

v.

MASON ROTHSCHILD,

Defendant.

No. 22-cv-00384-JSR

ECF Case

**DECLARATION OF RHETT O.  
MILLSAPS II IN SUPPORT OF  
MASON ROTHSCHILD'S  
MOTION FOR SUMMARY  
JUDGMENT**

I, RHETT O. MILSAPS II, hereby declare as follows:

1. I am the managing member of the law firm Lex Lumina PLLC, counsel to Defendant Mason Rothschild in this action. I submit this declaration in support of Mr. Rothschild's Motion for Summary Judgment. I make this declaration based upon my knowledge of matters in this action and to place before the Court the following documents.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report of Dr. Blake Gopnik, dated September 1, 2022.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition transcript of Mason Rothschild, dated August 4, 2022. Also included in Exhibit 2 are relevant exhibits from that deposition.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the deposition transcript of Blake Gopnik, dated September 23, 2022.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition transcript of Nicolas Martin, dated August 30, 2022.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition transcript of Kenneth Loo, dated September 7, 2022.

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the deposition transcript of David Cohen, dated September 22, 2022.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition transcript of Truman Sacks, dated September 15, 2022.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Expert Report Submitted by Dr. Bruce Isaacson Measuring the Likelihood of Confusion Between MetaBirkins and Birkin Handbags, dated August 4, 2022 (without the voluminous exhibits to the report).

10. Attached hereto as Exhibit 9 is a true and correct copy of the Expert Report of David Neal, Ph.D., in Response to Expert Report of Dr. Bruce Isaacson, dated September 1, 2022.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the deposition transcript of Dr. Bruce Isaacson, dated September 20, 2022.

12. Attached hereto as Exhibit 11 is a true and correct copy of relevant excerpts from Plaintiffs Hermès International and Hermès of Paris, Inc.'s Responses to Defendant Rothschild's First Set of Requests for Admission.

13. Attached hereto as Exhibit 12 is a true and correct copy of emails Bates-stamped Rothschild016428 and Rothschild016295-96.

14. I declare under penalty of perjury that the foregoing is accurate to the best of my knowledge.

Dated: October 7, 2022  
New York, New York

---

*/s/ Rhett O. Millsaps II*  
Rhett O. Millsaps II